

BENEWAH COUNTY MUDDIES CROSS DEPUTIZATION DEAL

April 21, 2010

PLUMMER –Benewah County officials have apparently gone back on their word to sign the cross deputization agreement reached with the Coeur d’Alene Tribe that was presented to the Idaho House Judiciary and Rules Committee in March.

Instead, earlier this week, county officials sent the Tribe a signed copy of a new version of a cross deputization agreement that contained more than 50 changes to the original and revived disagreements over key provisions that had already been settled in prior discussions. Repeated requests by the Tribe to be informed of any proposed changes were ignored by the county.

“I am extremely disappointed with this new document in front of me,” Coeur d’Alene Tribe Chairman Chief Allan said. “It is not what we agreed to.”

Contrary to assertions made by Benewah County Prosecutor Doug Payne in the St. Maries Gazette this week that the changes were “not significant,” the county’s unilateral alterations were a major departure from prior agreements. The key provisions at issue were fully discussed in negotiations during the legislative session and resolved, as set forth in the Agreement reported to the legislative committee on March 17. Benewah County Commissioner Jack Buell, Benewah County Sheriff Robert Kirts and Prosecuting Attorney Payne participated in the negotiations.

“By signing a document containing significant changes to the Agreement reached during the legislative session raises many questions about whether the participation of Benewah County officials during those negotiations evidenced a “good faith” effort to reach an agreement, or was merely done to derail the Tribe’s sponsored legislation, House Bill 500” said Coeur d’Alene Tribe Legislative Director Helo Hancock.

On March 17, the House Judiciary and Rules Committee voted to hold House Bill 500 at the Tribe’s request because both parties had reached a deal after several days of negotiations.

The committee had called for last-ditch negotiations between the parties in order to delay action on HB 500, a statewide measure aimed at closing a loophole in criminal law enforcement on Indian reservations.

Committee meeting minutes reflect that at the hearing, Michael Kane, representing the Idaho Sheriffs’ Association, testified that, “an agreement was reached between Benewah County and the Coeur d’Alene Tribe on cross-deputization. That agreement will be signed by all elected officials. Bringing the parties together was in everyone’s interest.” Sheriff Robert Kirts was in attendance at that meeting and told the media he was happy with the agreement.

The following day, the Coeur d’Alene Tribal Council unanimously approved the cross deputization agreement with Benewah County and Chief Allan said the deal marked a “new chapter” with Benewah County.

“The Tribe kept its word. We always do,” said Chairman Allan. “When the Coeur d’Alene Tribe makes a promise it means something. Our honor is at stake.”

Jim Clark, House Rules and Judiciary Committee Chairman, denounced Benewah County's latest action.

"Benewah County made representations to the committee and to the Tribe that a deal was in place," Clark said. "We were happy to hear it then and we believed all that was needed was for the necessary parties to sign the agreement. What I am hearing now is that Benewah County did not live up to its promises."

Despite this setback the Tribe remains committed to improving public safety on its Reservation and will stand by the agreement that was reached at the behest of the House Rules and Judiciary Committee. If the County refuses to do so, the Tribe will be forced to return to Boise to ask state lawmakers to pass a similar version of HB 500 next year to close the gap in law enforcement on the Reservation in order to protect all citizens residing on the Reservation within Benewah County.

"We are hoping the county will honor the commitment it made in front of the Idaho Legislature," Chairman Allan said. "If it is their decision to refuse to honor the agreement, as reached during serious negotiations during the legislative session, it is clear that further negotiations with Benewah County officials, either now or in the future, would be a waste of time and resources." "We're talking about public safety. It shouldn't be this hard."